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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,908	09/05/2003	Otto J. Volker	011361-00079	9097
28316	7590	08/27/2004	EXAMINER	
BANNER & WITCOFF LTD., ATTORNEYS FOR DURA AUTOMOTIVE 28 STATE STREET - 28TH FLOOR BOSTON, MA 02109			EDELL, JOSEPH F	
			ART UNIT	PAPER NUMBER
			3636	

DATE MAILED: 08/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/656,908	VOLKER ET AL.	
	Examiner Joseph F Edell	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 05 September 2003.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-7 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 7 is/are allowed.

6) Claim(s) 1,2 and 4-6 is/are rejected.

7) Claim(s) 3 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/11/03,01/09/04

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Objections***

1. Claim 5 is objected to because of the following informalities: "its" (line 6) should read "the". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, and 4-6 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,561,585 B2 to Cilliere et al.

Cilliere et al. disclose a seat hinge assembly that includes all the limitations recited in claims 1, 2, and 4-6. Ciliere et al. show a seat hinge assembly having a first housing 7 (Fig. 2) with a plurality of guide surfaces 14 (Fig. 3), a second housing 8 (Fig. 2) rotatable with respect to the first housing, a circular shoulder with a plurality of teeth on the second housing (see Fig. 3), a primary cam member 16 (Fig. 2) rotatable with respect to the first housing and having a pair of primary camming surfaces (see Fig. 3), a secondary cam

member 22 (Fig. 2) rotatably driveable by the primary cam and having a plurality of camming surfaces (see Fig. 3), a pair of opposed primary pawls 11 (Fig. 3) having a plurality of teeth and configured to be driven radially outward by engagement with the primary cam into an engaged position and to be driven radially inward by the secondary cam into a disengaged position, a pair of opposed secondary pawls 25 (Fig. 3) having a plurality of teeth and configured to be driven radially outward by engagement with the secondary cam into an engaged position and to be driven radially inward by engagement with the secondary cam into a disengaged position, a primary spring 18 (Fig. 2) operable to bias the primary cam into an engaged position, first and second pair of opposed slots 23,31 (Fig. 3) in the secondary cam with camming surfaces configured to the drive the primary and secondary pawls.

### ***Allowable Subject Matter***

4. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 7 is allowed.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to seat hinge assemblies:

U.S. Pat. No. 5,590,931 to Fourrey et al. U.S. Pat. No. 5,769,494 to Barrere et al.

U.S. Pat. No. 6,085,386 to Blanchard et al.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (703) 605-1216. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

  
JE  
August 20, 2004

  
Peter M. Cuomo  
Supervisory Patent Examiner  
Technology Center 3600